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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11
12 SALVADOR A. ONAS, III & HEATHER R.
ONEAL-ONAS; LATRICIA LORD; NICOLE
13 PAPKE aka NICOLE VANVALKENBURG,
14 individually, as husband and wife,

15 Plaintiffs,

16 v.

17 LENNAR RENO, LLC dba LENNAR
HOMES; ROES 1-10; and DOES 1-10.

18 Defendants.
19

Case No.: 3:21-cv-00283-MMD-CLB

**STIPULATION AND ORDER TO STAY
CASE PENDING ARBITRATION**

20 Plaintiffs Salvador A. Onas, III et al. ("Plaintiffs") and Defendant Lennar Reno, LLC
21 ("Lennar Reno") (collectively, the "Parties"), by and through their counsel of record, hereby
22 stipulate and agree as follows:

23 **RECITALS**

24 A. Plaintiffs entered into purchase and sale agreements ("PSAs") with Lennar Reno
25 to purchase certain residences located in the Casa Bella at Damonte Ranch development in Reno,
26 Nevada (the "Subject Properties").

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1 B. The PSAs set forth certain dispute-resolution procedures and requirements,
2 including a requirement for claims regarding the Subject Properties to proceed to binding
3 arbitration.

4 C. On or around September 21, 2020, Plaintiffs began forwarding notices of
5 constructional defects to Lennar Reno regarding the Subject Properties. On May 18, 2021,
6 Plaintiffs filed a complaint against Lennar Reno entitled *Onas, et al., v. Lennar Reno LLC, et al.*,
7 Washoe County, case no.: CV21-00932.

8 D. On June 24, 2021, Lennar Reno removed the *Onas* action to the U.S. District
9 Court of Nevada (the “Court”), and it was assigned case number 3:21-cv-00283-MMD-CLB
10 (ECF No. 1) (the “Litigation”).

11 E. Lennar Reno demanded that Plaintiffs arbitrate their claims regarding the Subject
12 Properties.

13 F. After meeting and conferring over the arbitration agreements, the posture of the
14 Litigation, and the arbitration procedures and protocol that they believe are best for the efficient
15 arbitration and possible early resolution of the claims, the Parties agreed to arbitrate Plaintiffs’
16 claims regarding the Subject Properties pursuant to an Arbitration Protocol Agreement entered
17 into by the Parties.

18 G. The Parties recognize that this action must be stayed pending the arbitration
19 proceedings. The Federal Arbitration Act provides that courts “shall ... stay the trial of the action
20 until such arbitration has been had.” 9 U.S.C. § 3. Nevada’s Uniform Arbitration Act similarly
21 provides that, “[i]f the court orders arbitration, the court on just terms shall stay any judicial
22 proceeding that involves a claim subject to the arbitration.” NRS 38.221(7).

23 H. The Parties further recognize that refusing to stay a case pending arbitration is a
24 reversible error. *See AJS Const., Inc. v. Pankopf*, No. 60729, 2013 WL 5445188, at *1 (Nev. Sept.
25 25, 2013) (district court was required to stay judicial proceeding pending arbitration; thus, order
26 dismissing complaint was reversed); *see also Moses H. Cone Mem’l Hosp. v. Mercury Constr.*
27 *Corp.*, 460 U.S. 1, 26 (U.S. 1983) (“[S]tate courts, as much as federal courts, are obliged to grant
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1 stays of litigation under § 3 of the Arbitration Act.”); 6 C.J.S. Arbitration § 54 (“[T]he stay
2 pursuant to the FAA is mandatory, and there is no discretion to deny it.”).

3 **AGREEMENT**

4 THEREFORE, the Parties hereby STIPULATE AND AGREE to the following:

5 1. The Litigation is to be stayed pending the outcome of the arbitration proceedings.

6 IT IS SO STIPULATED.

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8 DATED: September 20, 2021

MADDOX, SEGERBLOM AND CANEPA, LLP

9
10 By /s/ Eva G. Segerblom

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19 DATED: September 20, 2021

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ORDER

The Court having reviewed the Parties' Stipulation to Stay Case Pending Arbitration and good cause appearing, hereby ORDERS as follows:

1. The Parties' Stipulation is approved;
2. The Plaintiffs shall arbitrate their claims against Lennar Reno concerning the Subject Properties, and shall not litigate those claims in Court; and
3. This Litigation shall be stayed pending the outcome of the arbitration.

IT IS SO ORDERED.

Dated: September 21, 2021



UNITED STATES DISTRICT JUDGE